REMARKS

Reconsideration of this application is respectfully requested. Applicants believe that consideration of this amendment is proper because they have attempted to comply with every requirement expressly set forth in the previous Office Action dated April 25, 2007 and believe the application is now in condition for allowance.

All claims stand rejected under 35 U.S.C. § 112 for clack of enablement. The examiner objects to the breadth of the claims. Features of claims 9 and 18 are now included in all claims, featuring a specific group of polycarboxylates. These dependent claims are now cancelled as being redundant.

Claim 13 stands rejected under 35 U.S.C. § 112 as being indefinite. The Examiner has objected to the term "finely co-ground" in describing the ground gypsum accelerators, as not ascertaining the requisite degree. This claim has been amended to specify a minimum Blaine surface area, thus defining a minimum degree of grinding. Support for this amendment is found in column 3, lines 64-65 of U.S. Patent No. 3,573,947, which was incorporated by reference on page 11, lines 1-2 of the present specification.

This application further stands rejected over U.S. Patent No. 7,056,964 to Lettkeman et al. on the ground of nonstatutory obviousness-type double patenting. The application from which the Lettkeman patent resulted was filed on the same day as the present application and is descended from the same provisional application. A properly

prepared and executed Terminal Disclaimer is included with this response, which is sufficient to overcome a nonstatutory obviousness-type double patenting rejection.

Claims 1-4, 6-12 and 14-21 stand rejected under 35 U.S.C. § 102(b or e) as being anticipated by Williams in U.S. Patent No. 3,369,415; Lowe et al. in U.S. Patent No. 4,067,939; Lowe in U.S. Patent No. 4,202,857; Harris in U.S. Patent No. 4,494,990; Babcock et al in U.S. Patent No. 4,746,365; Brown in U.S. Patent No. 5,514,744; Chen et al. in U.S. Patent Application Publication No. 2003/0144384; JP-56-045857; JP-61-040861; JP-60-171260; WO 95/33698 or EP 0 725 044. Applicants respectfully traverse this rejection. None of the cited references reveals all features of applicants' claims.

The claims have been amended to feature a polycarboxylate dispersant based on oxyalkyleneglycol-alkyl ethers and unsaturated dicarboxylic acid derivatives. Williams, Lowe ('979). Lowe ('857), Harris, Babcock, Brown, fail to reveal the use of any dispersant. There is no disclosure of polycarboxylate dispersants in any of these references, and more specifically, there are no polycarboxylate dispersants based on oxyalkyleneglycol-alkyl ethers and unsaturated dicarboxylic acid derivatives as in Applicants' amended claims.

Chen utilizes a polycarboxylate dispersant having a different chemical formula. This reference fails to reveal an unsaturated dicarboxylic acid derivative repeating unit as is claimed by Applicant. Further, Chen uses the dispersant in a building material having a binding material of cement or gypsum (See, Abstract). There is no

suggestion that combinations of cement and gypsum would benefit from the polycarboxylate addition.

None of the three Japanese references utilizes a polycarboxylate dispersant according to the amended claims. JP-56-045857 discloses the use of a Melment dispersant and an acrylic acid emulsion. Methylmethacrylate-2-ethylhexylacrylate copolymer and styrene-butylacrylate copolymer are revealed in JP-60-171260. In JP-61-040861, the use of poly(acrylic acid ester) is discussed. However, this compound is an ester, not an ether as required by Applicants' claims.

Neither WO 95/33698 nor EP 0 725 044 suggests the polycarboxylate dispersant based on oxyalkyleneglycol-alkyl ethers and unsaturated dicarboxylic acid derivatives. The use of lignosulfates or naphthalene sulfonate dispersants is discussed in WO 95/33698. Although EP 0 725 044 reveals the use of polycarboxylate dispersants, none include the oxyalkyleneglycol-alkyl ethers and unsaturated dicarboxylic acid derivatives claimed here.

Thus, none of the primary references reveals the use of a polycarboxylate dispersant as featured in the pending claims. Applicant respectfully requests that the rejection based upon anticipation by any of these references be withdrawn.

All claims were commonly owned at the time the inventions covered herein were made. Enclosed herewith is a copy of an Assignment, duly recorded, as evidence of the inventors' obligation to assign these inventions to their employer.

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Lowe ('979). Lowe ('857), Harris, Babcock, Brown, Chen, JP-61-040861, JP-60-171260, JP-56-045857, WO 95/33698 or EP 0 725 044, in view of Tsubakimoto, Arfaei ('014), Martin, Arfaei ('465), Peik, Koyata ('036), Koyata ('323) Stewart, Takada, Wutz, Albrecht ('425), Lepori, Yamamuro, Albrecht ('887) or Albrecht ('879). The secondary references are relied upon to teach addition each of the additives to a blend of cement and gypsum. Since none of the primary references reveals the polycarboxylate dispersant of Applicants' amended claims, Applicants respectfully suggest that the Examiner has failed to set forth a *prima facie* case of obviousness when combined with any of the secondary references.

By the above arguments and amendments, Applicants believe that they have complied with all requirements expressly set forth in the pending Office Action. Issuance of a Notice of Allowance on the remaining allowed claims is respectfully requested. Should the Examiner discover there are remaining issues which may be

resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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